

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORPORATION
SECURITIES LITIGATION

This Document Relates To:

MARK NEWBY, *et al.*, individually
and on behalf of all others similarly
situated,

Plaintiffs,

v.

ENRON CORP., *et al.*

Defendants.

INTERNATIONALE
KAPITALANLAGEGESELLSCHAFT
mbH, individually and on behalf of BVT, CBP,
DSW, DUKAT, EKBAKK, EKBV, ERHARD,
HLF, LAZO, PRENT A, SIT, SKG, EGI and
EUSB, HSBC TRINKAUS LUXEMBOURG
INVESTMENT MANAGERS SA, individually
and on behalf of WALSER EUROCASH, and
HSBC TRINKAUS & BURKHARDT KgaA,

Plaintiffs,

v.

CREDIT SUISSE FIRST BOSTON
CORPORATION, *et al.*

Defendants.

United States Courts
Southern District of Texas
FILED

DEC 09 2002

Michael N. Milby, Clerk

Civil Action No. H-01-3624
(Consolidated)

Civil Action No. H-02-4080

**DEFENDANTS CREDIT SUISSE FIRST BOSTON CORPORATION AND J.P.
MORGAN SECURITIES INC.'S RESPONSE TO PLAINTIFFS' OBJECTION TO
AND REQUEST FOR CLARIFICATION OF CONSOLIDATION ORDER**

1182

Defendants Credit Suisse First Boston Corporation ("CSFB Corp.") and J.P. Morgan Securities Inc. (formerly known as Chase Securities Inc.) ("JP Morgan Securities") file this Response to Plaintiffs' Objections to and Request for Clarification of Consolidation Order, and respectfully show the Court as follows:

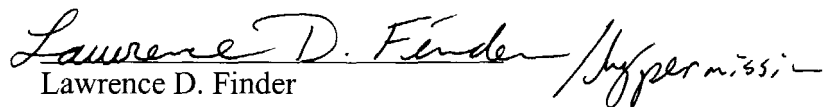
Plaintiffs' objection to consolidation should be overruled. For the reasons stated in CSFB Corp. and JP Morgan Securities' Notice of Consolidation, and in the alternative, Motion to Consolidate this matter was properly consolidated with *Newby v. Enron*.

With respect to Plaintiffs' request for clarification, the Court, by Order signed August 5, 2002, clarified the current status of the consolidated cases. Plaintiffs' concerns are either addressed in the Court's August 5 Order, or pursuant to the terms of that Order, are issues that will be addressed after the Court rules on the motions to dismiss in *Newby*.

WHEREFORE, CSFB Corp. and JP Morgan Securities request that Plaintiffs' objection to consolidation be overruled, and that their request for clarification be denied as moot or, in the alternative, denied without prejudice to refiling at the appropriate time.

December 9, 2002

Respectfully submitted,

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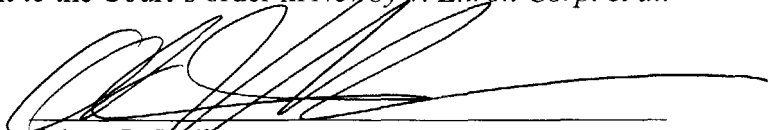
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on counsel for Plaintiffs pursuant to the Federal Rules of Civil Procedure and a true and correct copy of the foregoing instrument was served electronically via the www.esl3624.com website pursuant to the Court's order in *Newby v. Enron Corp. et al.* on this 9th day of December 2002.



Odean L. Walker

H-380886.1